



Arrangement F.<sup>3</sup> An explanation for how the maximum ERP is determined pursuant to Section 90.619(c)(2) of the Commission's rules and Arrangement F is included in Attachment I.

### III. DISCUSSION

4. Based on the information before us, we conclude that the license for Station WPPC523 should be modified so that the ERP of base station location 1 complies with Commission rules and Arrangement F on the frequencies listed in Attachment I.<sup>4</sup>

5. In accordance with Section 1.87(a) of the Commission's Rules,<sup>5</sup> we will refrain from issuing an order modifying Station WPPC523 until ITS has received this notice of our proposed action and has had an opportunity to file a protest. To protest the modification, ITS must, within thirty days of the release date of this *Order Proposing Modification*, submit a written statement which protests the proposed modification and either proposes an alternate method for bringing its base station into compliance on the frequencies listed in Attachment I with Section 90.619(c)(2) of the Commission's rules and Arrangement F, or demonstrates that the proposed modification is not in the public interest. The protest must be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., Room TW-A325, Washington, DC 20554.<sup>6</sup> In addition, please provide an electronic copy of any written statement to Brian Marengo, Policy Division, Public Safety and Homeland Security Bureau, at [Brian.Marengo@fcc.gov](mailto:Brian.Marengo@fcc.gov).

6. If no timely protest is filed, ITS will have waived its right to protest the modification and will be deemed to have consented to the modification. The license for Station WPPC523 will then be modified to specify an ERP of 20 watts for base station location 1 on the frequencies listed in Attachment I in compliance with Section 90.619(c)(2) of the Commission's rules and Arrangement F.

### V. ORDERING CLAUSES

7. ACCORDINGLY, IT IS PROPOSED, pursuant to Sections 4(i) and 316 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 316, and Section 1.87 of the Commission's rules, 47 C.F.R. § 1.87, that the licenses for Trunked SMR Station WPPC523, held by Information Transfer Systems, BE MODIFIED by reducing the Effective Radiated Power at the base

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<sup>3</sup> *Id.* See also Arrangement F, Annex A, Table A1. The maximum ERP limits are based on the Effective Antenna Height (EAH).

<sup>4</sup> Industry Canada objected to the operation of base station location 1 at 500 watts ERP only on the frequencies listed in Attachment I. Therefore, ITS may continue to operate location 1 at 500 watts ERP on the remaining licensed frequencies.

<sup>5</sup> 47 C.F.R. § 1.87(a).

<sup>6</sup> Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington, DC 20554.

station location 1 from 500 watts to 20 watts on the frequencies listed in Attachment I to comply with Section 90.619(c)(2) of the Commission's rules and Arrangement F.

8. IT IS FURTHER ORDERED that this *Order Proposing Modification* shall be sent by certified mail, return receipt requested, to Information Transfer Systems, 3001 Glenwood Park Ave, Erie, PA 16508-2711; and to Sandra Black, EMR Consulting, Inc., 8801 Sargent, Indianapolis, IN 46256.

9. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau

## Attachment I

## Maximum Permitted ERP Under Section 90.619(c)(2) and Arrangement F

Stations authorized on U.S. primary channels in Canada Border Regions 1, 2, 3, 4, 6, 7 and 8, which includes Pennsylvania, are subject to the Effective Radiated Power (ERP) and Effective Antenna Height (EAH) limits listed in Table C2 of Section 90.619(c)(2). The EAH is calculated by subtracting the Assumed Average Terrain Elevation (AATE) listed in Table C3 of Section 90.619(c)(2) from the antenna radiation center above mean sea level (RCAMSL).<sup>7</sup>

$$\text{EAH} = \text{RCAMSL} - \text{AATE}$$

The pertinent values for Stations WPPC523 are included below:

Call Sign	Location No.	Lat. (N)	Long. (W)	Current Frequency (MHz)	Replacement Frequency (MHz)	RCAMSL (meters)	AATE (meters)	EAH (meters)	Maximum Permitted ERP (watts)	Licensed ERP (watts)
WPPC523	1	42° 5' 10"	79° 52' 41"	863.7875	863.7875	621	76	545	20	500
WPPC523	1	42° 5' 10"	79° 52' 41"	864.3125	864.3125	621	76	545	20	500
WPPC523	1	42° 5' 10"	79° 52' 41"	864.8125	864.8125	621	76	545	20	500

<sup>7</sup> The ERP limitation applies to both ITS's currently licensed frequency and its 800 MHz rebanding replacement frequency. See Improving Public Safety Communications in the 800 MHz Band, *Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order*, 19 FCC Rcd 14969, 15077 ¶ 201 (2004).